

In the Matter of Merchant Mariner's Document No. Z-319230-D5 and all other Seaman Documents

Issued to: PAUL B. MARLOW

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1108

PAUL B. MARLOW

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 11 September 1958, an Examiner of the United States Coast Guard at New York, New York, suspended Appellant's seaman documents for twelve months upon finding him guilty of misconduct. The five specifications found proved allege that while serving as a wiper on the United States SS EXPLORER under authority of the document above described, Appellant wrongfully failed to perform his duties on 26 May 1958 and 8 July through 11 July 1958.

Since Appellant did not appear at the hearing, the Examiner entered pleas of not guilty to the charge and each specification. The Investigating Officer introduced in evidence a certified copy of extracts from the Shipping Articles and certified copies of entries in the Official Logbook for the voyage in question.

After considering the evidence, the Examiner rendered his decision in which he concluded that the charge and five specifications had been proved. The twelve months' suspension ordered by the Examiner includes a prior nine months' suspension on probation.

The decision was served on 12 January 1959. Appeal was timely filed on 22 January.

OPINION

Appellant does not contest the proof of the specifications by the logbook entries but he has appealed solely from the severity of the order. Appellant states, with respect to the three offenses on 8 through 10 July, that he was ashore at Calcutta, without permission, obtaining dentures and eyeglasses which he had needed for some time.

Appellant's prior record includes suspensions for failures to perform his duties on three different vessels since 1950. The last suspension was nine months on twelve months' probation which was imposed in September 1957 and is the one for which the probation has been revoked in the order of this case. Considering these factors and the additional five offenses of failure to perform duties on board ship, it is not felt that the order of twelve months' suspension was unduly severe.

ORDER

The order of the Examiner dated at New York, New York, on 11 September 1958, is ~~REVERSED~~ **AFFIRMED**.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 8th day of September, 1959.